Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at http://about.jstor.org/participate-jstor/individuals/early-journal-content.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

method of prevention. Of course, the latter lays the foundation for establishing negligence, but it does not in itself indicate that the injury could have been foreseen. As to public policy, there is still some objection. But subsequent repairs are admitted to show ownership or control. *O'Malley* v. *Twenty-Five Associates*, 170 Mass. 471, 49 N. E. 641. And also to rebut testimony descriptive of the premises before the injury. *McRickard* v. *Flint*, 114 N. Y. 222, 21 N. E. 153. The objection certainly has less force here than when applied to negligence, and it seems proper to confine it to that situation. In accord with the principal case on causation, see *Kuhn* v. *Illinois Central Ry. Co.*, 111 Ill. App. 323; *Texas & N. O. R. Co.* v. *Anderson*, 61 S. W. 424 (Tex. Civ. App.). In accord with it on the possibility of prevention, see *St. Louis, etc. Ry. Co.* v. *Johnston*, 78 Tex. 536, 15 S. W. 104; *Lind* v. *Uniform Stave and Package Co.*, 140 Wis. 183, 189, 120 N. W. 839, 842.

EVIDENCE — HEARSAY: IN GENERAL — ADMISSIBILITY OF TELEPHONE CONVERSATIONS — RES GESTA. — In an action on an insurance policy the issue was whether the company had received notice of an assignment to the plaintiff. The witness testified that he had seen the policy-holder go to a telephone, had heard him ask for the company and give the notice, and that immediately thereafter the policy-holder had told him that the company was willing to make the transfer. *Held*, that the evidence is admissible. *Northern Assurance Co.* v. *Morrison*, 162 S. W. 411 (Tex. Civ. App.).

The difficulties of the principal case are distinct from the line of authority which permits the person who did the talking to testify as to what he had heard over the telephone provided he recognized the voice. *Shawyer* v. *Chamberlain*, 113 Ia. 742, 84 N. W. 661. See 20 HARV. L. REV. 156. Here both aspects of the testimony seem to violate the hearsay rule. As to the alleged notice, it is hearsay because the witness has no personal knowledge to indicate what individual, if any, is at the other end. It might be accepted as a matter of common knowledge that hearing the call placed practically insures this identity were it not for the fact that the listener has no means of assuring himself that the user of the telephone is not either carrying on a wholly fictitious conversation or talking to an accomplice. But when the lack of personal knowledge has been supplied by extrinsic evidence that a real conversation took place, the evidence becomes admissible. Authority on the point is scant, but it recognizes this distinction. *Miles* v. *Andrews*, 153 Ill. 262, 38 N. E. 644; *McCarthy* v. *Peach*, 186 Mass. 67, 70 N. E. 1029. It also appears unsound for the court to admit the subsequent declaration as part of the *res gesta*, since it is neither contemporaneous nor properly explanatory. Its only force is to indicate what the other party said, and in that respect it is pure narration. *Waldele* v. *New York Central & H. R. R. Co.*, 95 N. Y. 274. See THAYER, LEGAL ESSAYS, 207.

EVIDENCE — JUDICIAL NOTICE — REPORTS TO RAILROAD COMMISSION. — A finding by a railroad commission that certain rates were unreasonable was based on facts contained in certain reports filed, pursuant to statute, by other railroad companies with the commission itself, and with the state board of assessments. These reports had not been introduced in evidence, but were spread on public records. *Held*, that the reports were proper subjects of judicial notice. *Chicago & N. W. R. Co.* v. *Railroad Commission*, 145 N. W. 216 (Wis.).

Cases of judicial notice of census returns and of legislative journals seem most closely analogous. *Chicago & A. R. Co.* v. *Baldridge*, 177 Ill. 229, 52 N. E. 263; *Dane County* v. *Reindahl*, 104 Wis. 302, 80 N. W. 438. But by the better view even the latter are merely admissible evidence. *Grob* v. *Cushman*, 45 Ill. 119. See WIGMORE, EVIDENCE, § 2577. The propriety of judicial notice, by a strictly judicial tribunal, of the contents of records like those in the principal